



**FIRST-TIER TRIBUNAL  
PROPERTY CHAMBER  
(RESIDENTIAL PROPERTY)**

**Case reference** : **CAM/26UJ/LDC/2019/0009**

**Property** : **Greenview Court, School Mead,  
Abbotts Langley, Herts WD5 0FB**

**Applicant** : **Tuscola (FC100) Limited**

**Representative** : **Regent Property Management  
Limited**

**Respondent** : **The lessees at the Property**

**Representative** :

**Type of application** : **To dispense with the requirement  
to consult lessees about major  
works/ a long-term agreement**

**Tribunal member** : **Tribunal Judge Dutton  
Miss M Krisko BSc (Est Man) FRICS**

**Date of determination** : **17th June 2019**

**DECISION**

## DECISION

**The Tribunal finds it is reasonable to dispense with the consultation requirements of section 20 of the Landlord and Tenant Act 1985 (the Act) by virtue of s20ZA.**

## BACKGROUND

1. By and application dated 30th April 2019 the Applicant, Tuscola (FC100) Limited through its agents Regent Property Management Limited sought dispensation from the consultation requirement under the Act and the Regulations. There appear to be 24 flats in the block with 6 commercial units and car parking. The application is supported by grounds for dispensation.
2. The grounds set out the works required to be undertaken. These relate to the erection of scaffolding to the building to facilitate the making safe of parapet walls. These parapet walls have apparently been inspected internally at roof level and found to be dangerous, indeed two external cladding panels have fallen and there is concern for the safety of residents and visitors to the property. The scaffolding will allow closer inspection and the installation of netting or other safety measures. The anticipated cost is circa £30,000 and is limited to the scaffolding, inspection and safety works. Any subsequent works found to be required will be, we are told, the subject of consultation. Indeed this has been confirmed to the lessees in letters dated 3rd and 14th May 2019, the latter sending a copy of the application and the directions made by the tribunal on 9th May 2019.
3. The matter was to be determined by way of written representations, without a hearing, unless any party requested a hearing should take place. Each lessee, having been sent the letter from Regent dated 14th May 2019, which was required to include both a copy of the application and the directions made by the tribunal on 9th May 2019, was asked to make any representations they wished. So far as we are aware no representations have been made objecting to the application for dispensation.
4. Within the bundle was a report by Mr John William Wates MA (Oxon) BSc FRICS of Fedalah Limited. The summary of the report states that "*The parapet surrounding the flat roof directly above the front door to this building is in a dangerous condition.*" The report goes on to recommend removing the parapet as a matter of urgency and replacement designed by a structural engineer. In addition we were provided with some photographs showing the missing panels and a note of site visit by Mr Simons a director of Regent, the contents of which we noted.

## FINDINGS

5. We have considered the papers before us and we are satisfied that the defective parapet creates a danger to residents and visitors to the property. The need for further investigation appears to be clear and this can only be properly done with scaffolding in situ. There is urgency. The scaffolding

will also be required to install any safety measures until the full extent of the works required can be ascertained.

6. In those circumstances we are prepared to grant dispensation from the consultation requirements limited to the scaffolding works, investigations and the undertaking of safety measures. This does not affect the lessees rights to challenge the costs of the works under the provisions of s27A of the Act. Our findings relate to the dispensation from consultation only.

Tribunal Judge Dutton

17th June 2019